

**AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently Amended) A ~~storing~~storage medium that stores a game BGM generating program to be executed by a game apparatus processor,  
said game apparatus comprising:

a phrase data ~~storing~~storage ~~area~~means for that storing ~~stores~~ by each group based on a musical characteristic different kinds of a plurality of phrase data, by each group based on a musical characteristic, that designate a length and a pitch of a pronunciation of a tone color;

a rhythm-pattern ~~storing~~storage ~~area~~ means for that storing ~~stores~~ at least one kind of rhythm pattern data, constructed of two or more rhythm data, that designate a length in performance for performing a phrase, and a pronunciation timing of said phrase;

a-BGM-data reproducing meansprogrammed logic circuitry for that ~~reproducing~~ ~~reproduces~~ BGM data constructed of at least one part;

a tone-color-data ~~storing~~storage ~~area~~ means for that storing ~~stores~~ data of the sound output according to said BGM data; and

~~a~~-sound outputting meansprogrammed logic circuitry for that ~~outputting~~ outputs a sound according to the BGM data reproduced by said BGM-data reproducing meansprogrammed logic circuitry, wherein

said game BGM generating program ~~allows~~being executed by a processor of said

game apparatus to ~~execute~~perform the following steps of:

~~a phrase selecting step for randomly selecting one kind of the phrase data from one group stored in said phrase data storing storage area~~means;

~~a rhythm selecting step for selecting one rhythm data from one kind of the rhythm pattern data stored in said rhythm-pattern storing storage area~~means according to a predetermined rule; and

~~a BGM generating step for generating the BGM data from the phrase data selected by said phrase randomly selecting one kind of the phrase step and the rhythm data selected by said rhythm selecting step one kind of rhythm data.~~

2. (Currently Amended) A ~~storing storage~~medium that stores a game BGM generating program according to claim 1, wherein

said ~~rhythm selecting one kind of rhythm step~~includes a random selecting step for randomly selecting the rhythm data from one kind of said rhythm pattern data.

3. (Currently Amended) A ~~storing storage~~medium that stores a game BGM generating program according to claim 1, wherein

said rhythm selecting step includes ~~a sequential selecting step for~~sequentially selecting the rhythm data from one kind of said rhythm pattern data in predetermined order.

4. (Currently Amended) A ~~storing storage~~medium that stores a game BGM generating program according to claim 1, wherein

said game apparatus further comprises a continuous counter for counting the

number of selecting-times of the same phrase has been selected,

said phrase randomly selecting one kind of the phrase step includes an incrementing step for incrementing said continuous counter when the phrase data selected last time and the phrase data selected this time agree; and a re-selecting step for re-selecting the phrase data when a count value of said continuous counter is larger than a predetermined value.

5. (Currently Amended) A storing-storage medium that stores a game BGM generating program according to claim 1, wherein

said game apparatus further comprises an at least one operating means control for that inputting inputs an operation by from a player; and a performance-change data storing-storage area means for that storing-stores performance-change data that changes a performing method of a BGM; and further allows is used by said processor to in execute execution of the following steps of,

a performance-change data storing step for allowing storing performance-change data corresponding to at least the operation of said at least one operating control in said performance-change data storing-storage area means to store the performance-change data corresponding to at least the operation of said operating means; and

a BGM data-change step for applying a predetermined change to said BGM data, corresponding to the performance-change data, stored in said performance-change data storing-storage area means by said storing performance-change data performance-change data storing step.

6. (Currently Amended) A ~~storing~~storage medium that stores a game BGM generating program according to claim 5, wherein,

~~said BGM data~~applying a predetermined change step includes a ~~tempo change step~~ for changing a tempo of said BGM data according to said performance-change data.

7. (Currently Amended) A ~~storing~~storage medium that stores a game BGM generating program according to claim 1, wherein

said game apparatus further comprises a period designating data ~~storing~~storage area means for that storing stores period designating data that designates a performing period and a performance suspended period of the phrase,

said BGM-data reproducing ~~means~~programmed logic circuitry suspends a reproduction of the BGM data in the performance suspended period based on said period designating data, and

allows said processor to execute ~~a period counting step for~~the step of counting the performing period and the performance suspended period designated by said period designating data, by the number of ~~selecting times of~~ the rhythm data has been selected.

8. (Currently Amended) A game BGM generating method of a game apparatus provided with a phrase data ~~storing~~storage area means for that storing stores by each ~~group based on a musical characteristic~~ different kinds of a plurality of phrase data, by each group based on a musical characteristic, that designate a length and a pitch of a pronunciation of a tone color,

a rhythm-pattern ~~storing~~storage area means for that storing stores at least one kind

of rhythm pattern data constructed of two or more rhythm data that designate a length in performance for performing a phrase, and a pronunciation timing of said phrase;

a-BGM-data reproducing ~~means programmed logic circuitry for that reproducing~~  
reproduces BGM data constructed of at least one part;

a tone-color-data ~~storing storage area means for that storing stores~~ data of a sound,  
output according to said BGM data; and

a-sound outputting ~~means programmed logic circuitry for outputting the sound~~  
according to the BGM data reproduced by said BGM-data reproducing  
~~means programmed logic circuitry, including following steps of said game BGM~~  
generating method comprising:

(a) randomly selecting one kind of the phrase data from one group stored in said  
phrase data ~~storing storage area means~~;

(b) selecting one rhythm data from one kind of the rhythm pattern data stored in  
said rhythm-pattern ~~storing storage area means sequentially or randomly~~; and

(c) generating the BGM data from the phrase data selected by said step (a) and the  
rhythm data selected by said step (b).

9. (Currently Amended) A game apparatus that performs a BGM corresponding to  
at least a proceeding situation of a game, comprising:

a phrase data ~~storing storage area means for that storing stores by each group based~~  
~~on a musical characteristic~~ different kinds of a plurality of phrase data, by each group  
based on a musical characteristic, that designate a length and a pitch of a pronunciation of

a tone color;

a rhythm-pattern ~~storing~~ storage area ~~means for that storing~~ stores at least one kind of rhythm pattern data, constructed of two or more rhythm data, that designate a length in performance for performing a phrase; and a pronunciation timing of said phrase;

a-BGM-data reproducing ~~means~~ programmed logic circuitry for that reproducing reproduces BGM data constructed of at least one part;

a tone-color-data ~~storing~~ storage area ~~means for that storing~~ stores data of a sound output according to said BGM data;

a-phrase selecting ~~means~~ programmed logic circuitry for that randomly selecting selects one kind of the phrase data from one group stored in said phrase data ~~storing~~ storage area ~~means~~;

a-rhythm-pattern selecting ~~means~~ programmed logic circuitry for that selecting selects one rhythm data from one kind of the rhythm pattern data stored in said rhythm-pattern ~~storing~~ storage area ~~means~~ according to a predetermined rule;

a-BGM generating ~~means~~ programmed logic circuitry for that ~~generating~~ generates said BGM data from the phrase data selected by said phrase selecting ~~step~~ programmed logic circuitry and the rhythm data selected by said rhythm-pattern selecting ~~step~~ programmed logic circuitry, and

a-sound outputting ~~means~~ programmed logic circuitry for that ~~outputting~~ outputs the sound according to the BGM data reproduced by said BGM-data reproducing ~~means~~ mechanism.

10. (New) A method for generating a sequence of BGM, comprising the steps of:  
providing at least one set of rhythm data,  
providing at least one set of phase data,  
selecting a set of rhythm data from the at least one set of rhythm data,  
selecting a set of phase data from the at least one set of phase data, and  
generating BGM data from the selected rhythm data and the selected phase data.
11. (New) The method of claim 10 wherein the selecting a set of phase data further comprises the steps of:  
counting the number of times the currently selected set of phase data has been continuously selected, and  
re-selecting a new set of phase data if the currently selected phase data has been continuously selected more than a predetermined number of times.
12. (New) The method of claim 10, wherein the selecting a set of rhythm data includes randomly selecting a set of rhythm data.
13. (New) The method of claim 10, wherein the selecting a set of rhythm data includes sequentially selecting a set of rhythm data.
14. (New) The method of claim 10, wherein the selecting a set of phase data includes randomly selecting a set of phase data.
15. (New) The method of claim 8, wherein the selecting a one rhythm data includes randomly selecting a rhythm data.

16. (New) The method of claim 8, wherein the selecting a one rhythm data includes sequentially selecting a rhythm data.